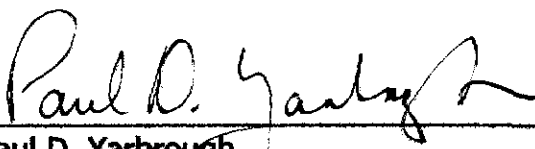


AFFIDAVIT

Before me, the undersigned authority, a Notary Public in and for said County and State of Alabama at large, personally appeared one Paul D. Yarbrough, who being known to me and being by me first duly sworn, deposes and says on oath as follows:

My name is Paul D. Yarbrough and I am currently employed as Director with the Investigation and Intelligence Division, Alabama Department of Corrections, 301 South Ripley Street, P. O. Box 301501, Montgomery, Alabama 36130. I am over twenty-one years of age.

The Alabama Attorney General's Office contacted our office on this date and requested a copy of all documents related to an incident between Lieutenant Willie Copeland and Inmate Zavius Averette that occurred on August 14, 2004 at Staton Correctional Facility. I certify that the enclosed document is a true and correct copy of the entire file related to that case.



Paul D. Yarbrough
Director
Investigation and Intelligence Division
Alabama Department of Corrections

Sworn to and subscribed before me and given under my hand and official seal
this the 24th day of August, 2006.



Notary Public My commission expires 3-17-2010

**INVESTIGATIVE REPORT**ALABAMA DEPARTMENT OF
CORRECTIONSINVESTIGATION & INTELLIGENCE
DIVISION

Confidential-For Official Use Only

Offense: Excessive Use of Force Case No.: _____Location: Staton Correctional Facility County: Elmore Date of Offense: 08-14-2004

Victim(s)

Zavius Averette
B/M AIS # 127905

Subject(s)

Lieutenant Willie Copeland

DETAILS:

This investigator was asked to investigate complaints that Lieutenant Willie Copeland struck Inmate Zavius Averette with a baton.

On 8-24-04, Inmate Zavius Averette, 217905, was interviewed at Staton Correctional Facility. Inmate Averette stated he was caught masturbating and was carried to the Lieutenant's office. Inmate Averette stated the only person present was Officer Latimore. Inmate Averette stated when he got to the Lieutenant's office, the Lieutenant took him by his shirt and pulled him (Averette) in a chair, and he fell out of the chair and on the floor. Inmate Averette stated while Lieutenant Copeland was hitting him (Averette), Lieutenant Copeland stated, "I think I want to kill you." Averette stated Lt. Copeland hit him on his arms and legs and kicked him a couple of times in the chest. Inmate Averette stated Officer Kendrick ran in and Lt. Copeland stated "I don't need any help with this bitch. I want to kill him. Take him to the health care unit for a body chart." Inmate

Criminal
Unfounded
☒
Non-Criminal
Pending Investigation
Cleared by Arrest
☐
☐
☐
Internal
Closed or Inactive
Not Cleared
☐
☒
Copies of Report to
Commissioner
☒ 10-21-04
☒ 10-21-04

D/A

D/C

Other

☒ Wade Thomas 10-21-04
copy to Attorney General's ofc
8-24-06Date of Report September 28, 2004Report Made by Ed SasserReport Typed by Cassandra Henderson

Averette said he was carried to the health care unit and the nurse put a bandage on his left elbow because the elbow was bleeding so bad. Averette stated Lt. Copeland ordered Officer Kendrick to take Averette's clothes and he saw Officer Kendrick put his clothes in a brown paper bag, but does not know what Officer Kendrick did with the clothes. Averette stated while Lt. Copeland was beating him, the inmate that works in the library walked by and saw what was happening. Averette stated Officer Latimore was sitting in a chair in front of him and she saw what happened.

On 8-24-04, Officer Annie Latimore was interviewed at Staton Correctional Facility. Officer Latimore states that she was in the office when Averette was brought in, but she left and did not see what happened.

Lt. Willie Copeland was interviewed on 8-30-04. Lt. Copeland stated he took Inmate Averette to his office and stated he did not hit Inmate Averette, but noticed a little blood on Inmate Averette's clothing. Lt. Copeland was asked how Averette got the blood on him and Lt. Copeland stated Averette told him he was playing with another inmate. Lt. Copeland later advised this investigator the inmate that Zavious Averette was playing with is named Reginald Knight. Lt. Copeland stated no force was used on Inmate Averette. Lt. Copeland stated that he does not know what happened to Averette's clothes and does not know if the officers took Averette's clothes, but he (Copeland) did not order any officer to take Averette's clothing.

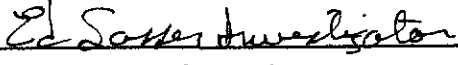
On 8-24-04, this investigator tried to find Inmate Averette's clothing. We checked the evidence locker and the health care unit, but the clothing could not be found and no one knows where Inmate Averette's clothing is at.

On 9-13-04, Inmate Reginald Knight was interviewed at Staton. Inmate Knight denied hurting Inmate Averette's elbow and stated Lt. Copeland asked Averette what he was doing in the common area, and then grabbed Averette's collar and pulled Averette into the shift office. Knight stated while Lt. Copeland was doing this, he also grabbed his night stick. Inmate Knight stated Lt. Copeland closed the door and he could hear Inmate Averette hollering. Knight stated Averette came out of the Shift Commander's office with Officer Kendrick, and stated while all this was going on, Officer Latimore was guarding the door. Officer Kendrick stated he was told by Lt. Copeland to take Inmate Averette's clothing and after taking Inmate Averette's clothing, he left the clothing in the holding area at the health care unit, and does not know where Inmate Averette's clothing is at this time. And Officer Kendrick also stated he did not see Lt. Copeland hit Inmate Averette.

This investigator was advised that Inmate Frank Walker, the law clerk, also saw what happened. This investigator attempted to interview Inmate Frank Walker at Staton Correctional Facility. Inmate Walker was in the hallway by the Captain's office when he was advised that I & I wanted to talk to him. I could hear Inmate Walker telling someone that he had nothing to say to I & I, and was not going to talk with I & I. Walker was advised by this investigator to come on into the conference room. Walker came into the conference room and was waving his arm saying that all this was administrative and he was not going to say anything to I & I. Inmate Walker was sent to Kilby Correctional Facility Segregation Unit.

On 9-20-04, this investigator interviewed Inmate Walker at Kilby. Inmate Walker had first stated he did not see what happened, but then said he saw what happened, but the Lt. was justified in hitting Inmate Averette.

Investigation indicates sufficient evidence to indicate a strong possibility that Lt. Copeland did strike Inmate Zavius Averette.


Ed Sasser, Investigator
Alabama Department of Corrections
Investigations and Intelligence Division

ES/ch

**STATE OF ALABAMA
BOARD OF CORRECTIONS
INSTITUTIONAL INCIDENT REPORT**

Ed 4-17-
0C497

N601
D of C
DOC No. 601 (REV. 4/01)

1. Institution: Staton Correctional Facility		2. Date: 8/15/2004		3. Time: 11:00 a.m.,		4. Incident Number: SCF-	
5. Location Where Incident Occurred: Old Package Room / Common Area				6. Type of Incident: Unauthorized Area/Indecent			
7. Time Incident Reported: 11:40 AM				8. Who Received Report: Captain George Edwards			
9. Victim:							
a. NA		(type full name)		No.			
b.		(type full name)		No.			
10. Suspects:							
a. Zavius Averette		No. B/217905		11. Witnesses: a. NA		No.	
b. AVERETTE, ZAVIUS		No.		b.		No.	
c. ANTWAN		No.		c.		No.	
d.		No.		d.		No.	
e.		No.		e.		No.	
				f.		No.	
				g.		No.	
Physical Evidence:							
12. Type of Evidence: NA							
13. Description of Evidence: NA							
14. Chain of Evidence:							
a. NA							
b.							
c.							
d.							
15. Narrative Summary:							
<p>On August 15, 2004, at approximately 11:00 AM, Lt Willie Copeland, First Shift Team Leader, observed Inmate Zavius Averette B/217905 standing in the Old Package Room in the Common Area with his penis exposed stroking Inmate Zavius Averette's penis in a back and forth motion while looking in the direction of the Pill Call Room at Nurse Sharon Richie dispensing medication. Lt. Willie Copeland reprimanded Inmate Zavius Averette in regards to his inappropriate behavior. Lt. Copeland advised Inmate Averette he was in an Unauthorized Area. Inmate Zavius Averette would be receiving a disciplinary for a violation of Rule #38 Indecent Exposure/Exhibitionsim. At approximately 11:40 AM, Lt. Willie Copeland attempted to notify Warden Willie Thomas and received no reply. At 11:45 AM, Lt. Willie Copeland notified Captain George Edwards via answering machine. Inmate Averette was placed in Holding Unit Cell #3. No other action taken at this time.</p> <p style="text-align: right;"><i>[Signature]</i> Lt. Willie Copeland, COSI</p>							

DISTRIBUTION:

ORIGINAL Investigation and Inspection Division
COPY to Deputy Commissioner, Institutions
COPY to Institutional File
COPY to Central Records File

ALABAMA DEPARTMENT OF CORRECTIONS
DISCIPLINARY REPORT

DOC Form 225B (Revised 7/92)

1. INMATE Zavius Averette CUSTODY: Medium AIS NO.: 2179052.
3. The above named inmate is being charged by Lt. Willie Copeland with a violation of Rule Number #38 specifically Indecent Exposure/ Exhibitionism from regulation #403, which occurred on or about August 15, 2004 (time) 11:00AM Location: Old Packages Room in Common Area. A hearing on this charge will be held after 24 hours from service.4. Circumstances of the violation(s) are as follows: On August 15, 2004, at approximately 11:00AM, Lt. Willie Copeland, observed Inmate Zavius Averette B/217905 standing in the Old Package Room in the Common Area with his penis exposed stroking Inmate Averette penis in a back and forth motion while looking in the direction of the Pill Call Room at Nurse Sharon Richie dispensing medication.5. Lt. Willie Copeland, COSI
Arresting Officer / Typed / RankWillie Copeland, COSI
Arresting Officer / Signature / Rank6. I hereby certify that I have personally served a copy of the foregoing upon the above named inmate and I informed inmate of his right to present a written or oral statement at the hearing and to present written questions for the witnesses on this the 15th day of August, 2004, at (time) 12:35 pm (am/pm).7. Leah Lendrich
Serving Officer / Signature / RankWillie Copeland 217905
Inmate's Signature / AIS Number8. Witnesses desired? NO
Inmate's SignatureYES Willie Copeland
Inmate's Signature9. If yes,
list: Reginald Knight

10. Hearing Date: _____ Time: _____ Place: _____

11. Inmate must be present in Hearing Room. If he is not present explain in detail on additional page and attach.

12. A finding is made that inmate (is / is not) capable of representing himself.

Signature / Hearing Officer

13. Plea: _____ Not Guilty _____ Guilty

14. The Arresting Officer, Inmate, and all witnesses were sworn to tell the truth.

Signature / Hearing Officer15. Arresting Officer's testimony (at the hearing):

STATEMENT OF ANNIE LATIMORE

This is a tape recorded interview with Officer Annie Latimore. This interview is being conducted on 08/24/04 at 8:26 a.m. Present during this interview is Officer Annie Latimore and Investigator Ed Sasser.

ES Officer Latimore, if you would state your name and your, uh, place of employment.

AL Uh, my name is Annie Latimore, I'm an employed at Staton Correctional Facility.

ES Officer Latimore, on 08-15-04 Lt. Copeland apparently caught inmate Zavius

AL Tavius Averette

ES Averette masturbating and brought him to the shift commander's office.

AL Yes sir.

ES Were you present when he brought him to the shift office?

AL I was in there answering a phone call, yes I was.

ES Okay, can you tell me what you observed while Officer, uh, Lt. Copeland and the inmate was in there.

AL What I was observed while I was in there before I exited, uh, uh, the area, was Lt. brought him in there, uh, out of the unauthorized area that he found him in, and he, uh, brought him in the office, telling him to empty his pockets, I want you to empty this pocket, with (inaudible) and everything. He checked, he began to pat search him, shook him down and checked his (inaudible) for holding the inmate. (inaudible) and asked him what was doing up in the room. Uh, basically, that's all I know, because after that point in time, I exited the doorway.

ES Okay, did you hear any argument or any

AL No more than Lieutenant asking him what did he think he was doing up in there, and (inaudible) that he was up in there waiting on his home boy.

ES Did you ever observe Lt. Copeland hit or strike inmate

AL I did not.

ES Okay. Did you see, ever see any blood on the inmate?

AL I thought he had a, a, a some on the back of his elbow I believe, it was. But now where he get that from I can't say.

ES Did you see, ever see, observe any bruises on his legs or ankles?

AL No sir.

ES Okay.

AL He was fully clothed.

ES Do you know what happened to his clothes?

AL No sir, I do not.

ES Uh, were they, did you ever observe blood on his clothing.

AL Just on his elbow.

ES Just on his elbow. But you don't know what happened to his clothes.

AL No.

ES Okay, uh, do you know who, did you escort him to the

AL I did not escort him to the health care unit, no.

ES Okay, did you have an occasion to observe him at any time the rest of that day?

AL I did not.

ES Okay. Is there anything else regarding this incident that you, uh, that I haven't asked you that you feel is important?

AL No, I don't think so. (inaudible)

ES Okay.

AL I think that's it.

ES Has anyone offered you any reward or hope for reward to get you to make this statement?

AL No sir.

ES Has anyone threatened you to get you to make this statement?

AL No, never.

ES That will complete the statement at 8:30 a.m.

/sgl

STATEMENT OF ZAVIUS AVERETTE

This is a tape recorded interview with inmate Zavius Z-A-V-I-U-S, Averette A-V-E-R-E-T-T-E, AIS 217905. This interview is being conducted at Staton CF on 08/24/04 at 8:12 a.m. Present during this interview is inmate Zavius Averette and Investigator Ed Sasser.

ES Zavius state your name and your AIS and speak up plain.

ZA Zavius Averette 217905.

ES Zavius on 08/15/04 according to the incident report, you were caught masturbating and was carried to, uh, Lt. Willie Copeland's office. Is that correct?

ZA Yes sir.

ES All right, when you got into the, uh, Lieutenant's office, who else was present?

ZA Officer Latimore.

ES Officer Latimore? Any body else?

ZA No sir.

ES Okay. What happened when you got to the Lt. Copeland's office?

ZA Uh, he took me in by my shirt and throwed me on, in a chair, and I fell to the floor and he starting hitting on me.

ES Why did he start hitting on me?

ZA Because he said I was masturbating.

ES What did he say to you?

ZA While he was hitting me? I think I ought to kill you, and he was just swinging.

ES Because of what?

ZA He said, I think I ought to kill you.

ES Where did he hit you?

ZA On both my arms, in the legs, and kicked me in the chest two times.

ES Then what happened?

ZA He told, then Officer Kendrick ran in, and he told

ES Officer Kendrick?

ZA Ran in, and he said, I don't need no help with this bitch. After he stopped beating me, he said get the bitch out of here before I kill him, take him and get him a body chart.

ES And then when you went to the Health Care Unit to get a body chart, what did they do?

ZA Uh, they, uh, wrapped my arm up first because it was bleeding so bad. Then my other arm so swelled, they was checking on it.

ES Okay, who checked you at the Health Care Unit?

ZA Nurse Parnell.

ES Nurse Parnell. You have a bandage on your left arm, elbow.

ZA Yes sir.

ES What is that bandage for?

ZA Ms. Parnell wrapped it, my elbow was all split, you know, bleeding bad.

ES How about the clothes that you had on at the time?

ZA Lt. Copeland ordered Officer Kendrick to take them from me.

ES And what did he do with the clothes?

ZA I seen him put them in a brown paper bag.

ES Do you know what he done with them from there?

ZA No sir.

ES And that was Officer Kendrick?

ZA Yes sir.

ES Okay, where else did he hit you besides the left elbow?

ZA On my right thigh and down on my ankle.

ES Are there bruises on your right thigh and ankle now?

ZA Yes, yes sir.

ES Okay. Okay, well, I want you to show me the bruise on your thigh. There is a bruise on the right thigh and how about your ankle?

ZA Right there.

ES Okay, I cannot see any bruise on your ankle, I'm not saying, it looks to be a black spot there, whether that's a bruise or not, I can't tell. But there is a bruise on your right thigh and your left elbow is wrapped. I cannot read this body chart here to see what they said on it. Was there any other officer or any other inmate around when Lt. Copeland is alleged to have hit you with a stick?

ZA Inmate, I don't know his name, I don't know his name familiar, but I know him.

ES Where was he at?

ZA While he was beating me he was walking through by the library. Officer Latimore seen then walking by because he go out there and run them off and closed the main door.

ES Okay, where was Officer Latimore while he was hitting you with a stick/

ZA Sitting there in a chair in front of me.

ES Okay, so she was present when it happened?

ZA Yes sir.

ES Did the Lieutenant, did Officer Kendrick see him hit you with a stick?

ZA Yes sir.

ES Or did he just come in and take your clothes?

ZA He ran in and told them to take me to the body chart, out there to the body chart. He ordered to take my clothes from me.

ES Okay. How many times did he hit you?

ZA He hit me about eight times.

ES Okay, is there anything else that you feel that's important that, uh, I haven't asked you?

ZA No sir.

ES Okay, has anyone offered you any reward or hope for reward to get you to make this statement?

ZA No sir.

ES Has anyone threatened you to get you to make this statement?

ZA No sir.

ES Has it been free and voluntary?

ZA Yes sir.

ES Okay, that will complete the statement at 8:18 a.m.

/sgl

STATEMENT OF INMATE REGINALD KNIGHT

This is a taped-recorded interview with inmate Reginald Knight AIS 182897. This interview is being conducted at Staton Correctional Facility on 9/13/04 at 9 a.m. Present during this interview is Investigator Ed Sasser and inmate Reginald Knight.

ES Reginald, state your name and your AIS.

RK My name is Reginald Knight inmate 182897.

ES Reginald, do you know inmate Zavoris

RK Zary?

ES Yes.

RK Zary Avery

ES Zary Avery? Okay, do you know him?

RK Yes sir.

ES Did you cause the injury to his elbow that made it bleed ((inaudible))?

RK No sir.

ES Why would Lieutenant Copeland think that you caused that injury to his elbow?

RK Well, I don't know what give Lieutenant Copeland the idea of that that uh tom bout I had done hurt Zary Avery.

ES You don't know what gave him that idea?

RK No sir cause he on 15 of last month me and Zary Avery was together and next thing you know we was in the common area we was on our way to going to the law library where the magazine and all is fixing to go get a law ah kit. And next thing know, Lieutenant Copeland came out the shift office and he ask Zary Avery, what is the fuck you doing up in this common area? So Avery Zary Avery had tell Lt. Copeland he would come up to the common area long as he got his shirt in his pants. So next thing you know Zary Avery was in the uh left me and went in the old package room where where its ICS now. So Zary Avery was standing in there, so Lt. Copeland looked in there and seen Zary Avery and grabbed Zary Avery in his collar

and when he grabbed Zary Avery collar he pulled out his night stick and next thing you know he shoved him in the shift office and closed the door and next thing I heard was Zary Avery in there hollering in the shift office. When Zary Avery come out of the shift office with Officer Kendrick. Well Officer Kendrick took Zary Avery to the healthcare. His both his elbows was bloody and his clothes was bloody.

ES Did you actually see anyone hit Avery?

RK Yeah. When I when when I was going through the door, when he had the door closed, Officer Latimore had was escorting the door she was guarding the door so, when I was trying to get to the door I seen Zary Avery standing in the corner of the shift office and in and inside the shift office where he bent down where Lt. Copeland got his night stick in his hand, beating Zary Avery in his and the both he got his hands over his head and Lt. Copeland pulling his got his night stick out beating Zary Avery with it

ES You saw actually saw Lt. Copeland hit him

RK Yeah

ES with the night stick?

RK Yes sir

ES And who was in the office with uh uh Lt.

RK Officer Latimore

ES Officer Latimore was inside the office?

RK Yes sir

ES And what about Officer Kendrick? Where was he at?

RK Officer Latimore called uh Officer Kendrick to the shift office and told him they needed some assistant to the shift office so when Officer Kendrick get there, Lt. Copeland tell uh Officer Kendrick "get this mothafucka up out this shift office fore I kill him in here.

ES Uh you exaggerating this any at all?

RK No sir.

ES Reginald, is there anything else that you feel like is important that I haven't ask you?

RK Yes

ES What's that?

RK I feel like that it's it's important that um some need to be done about Lt. Copeland cause he done beat several inmates in this institution and ain't nothing been done about this incident these incidents, so I feel like some need to be done fore Lt. Copeland get out of hand with it, cause he getting away too many times by beating inmates in his camp.

ES Okay. Is anything else you would like to add to it?

RK No sir.

ES Has anyone offered you any reward or ((inaudible)) reward to get you to make this statement?

RK No sir

ES Has anyone threatened you to get you to make this statement?

RK No sir

ES Has it been free and voluntary?

RK No sir.

ES Has it been free and voluntary?

RK Free and voluntary?

ES Has any yeah has anyone forced you to take it or have you given it on your own free will?

RK I have been giving on my own free will.

ES Okay. That will complete the statement at 9:04 a.m.

ES/ch

STATEMENT OF LT. WILLIE COPELAND

This is a tape recorded interview with Lt. Willie Copeland. This interview is being conducted at the I & I office in Montgomery, Alabama on 08-30-04 at 10:20 a.m. Present during this interview is Investigator Ed Sasser and Lt. Willie Copeland.

ES Now, there's another complaint, and inmate Zavious Z-A-V-I-U-S, Averette A-V-E-R-E-T-T-E, AIS 217905, are you familiar with that one?

WC Yes sir.

ES This incident occurred on 08-15-2004 and I believe you caught him masturbating while he watching a, uh, one of the female employees.

WC Yes sir.

ES And did you take him to your office?

WC Yes I did. I instructed him to my office.

ES Did you have an occasion then, or did you have a reason, or did you hit him in any way?

WC No sir.

ES Can you tell me how he got the lacerations on his elbow?

WC When, uh, inmate Averette entered the shift office, when I instruct him to the shift office, I did notice a little bit of blood on his, uh, left (inaudible), I think it was his left elbow. I believe it was.

ES Do you know how he got the, uh, laceration on his elbow?

WC No sir. He did state to me he had been playing, when we was in that room, that he been playing with another inmate.

ES Do you know who that other inmate was that he was playing with?

WC He had him down as a witness, uh, in the disciplinary, I did advise him that disciplinary action would be taken for Rule 38, and uh, he put the inmate down as a witness to verify that he was out just playing with that other inmate, he ran into that room.

ES You don't remember what that inmates name is? Or you can get it off the disciplinary that you wrote?

WC Yes, yes sir.

ES Okay, uh, so you didn't hit him with you baton or your stick or anything?

WC No sir.

ES To cause a laceration?

WC No force was used.

ES All right, did you instruct one of your officers to take the bloody clothes?

WC No sir.

ES Do you know in fact if the officer did take the bloody clothes?

WC No sir.

ES Do you know where the bloody clothes is at, at this time?

WC No sir.

ES Is there anything else about this incident that you thinks important that I haven't asked you?

WC Not to my knowledge, sir.

ES Okay, is there anything else that you would like to add to this statement?

WC No sir.

ES Okay, has anyone offered you any reward or hope for reward to get you to make this statement?

WC No sir.

ES Has it been voluntary?

WC That will compete the statement at 10:24 a.m.

/sgl

**STATE OF ALABAMA
BOARD OF CORRECTIONS**

INSTITUTIONAL INCIDENT REPORT

N601
D of C
DOC No. 601 (REV. 4/01)

1. Institution: Station Correctional Facility		2. Date: 8/15/2004		3. Time: 11:00 a.m.,		4. Incident Number: SCF-	
5. Location Where Incident Occurred: Old Package Room / Common Area				6. Type of Incident: Unauthorized Area/Indecent			
7. Time Incident Reported: 11:40 AM				8. Who Received Report: Captain George Edwards			
9. Victim:							
a. NA		(type full name)		No.			
b.		(type full name)		No.			
10. Suspects:							
a. Zavius Averette		No. B/217905		11. Witnesses:		a. NA No.	
b.		No.				b. No.	
c.		No.				c. No.	
d.		No.				d. No.	
e.		No.				e. No.	
						f. No.	
						g. No.	
Physical Evidence:							
12. Type of Evidence: NA							
13. Description of Evidence: NA							
14. Chain of Evidence:							
a. NA							
b.							
c.							
d.							
15. Narrative Summary:							
<p>On August 15, 2004, at approximately 11:00 AM, Lt Willie Copeland, First Shift Team Leader, observed Inmate Zavius Averette B/217905 standing in the Old Package Room in the Common Area with his penis exposed stroking Inmate Zavius Averette's penis in a back and forth motion while looking in the direction of the Pill Call Room at Nurse Sharon Richie dispensing medication. Lt. Willie Copeland reprimanded Inmate Zavius Averette in regards to his inappropriate behavior. Lt. Copeland advised Inmate Averette he was in an Unauthorized Area. Inmate Zavius Averette would be receiving a disciplinary for a violation of Rule #38 Indecent Exposure/Exhibitionsim. At approximately 11:40 AM, Lt. Willie Copeland attempted to notify Warden Willie Thomas and received no reply. At 11:45 AM, Lt. Willie Copeland notified Captain George Edwards via answering machine. Inmate Averette was placed in Holding Unit Cell #3. No other action taken at this time.</p> <p align="right"><i>[Signature]</i> Lt. Willie Copeland, COSI</p>							

DISTRIBUTION:

ORIGINAL Investigation and Inspection Division
COPY to Deputy Commissioner, Institutions
COPY to Institutional File
COPY to Central Records File

ALABAMA DEPARTMENT OF CORRECTIONS
DISCIPLINARY REPORT

DOC Form 225B (Revised 7/92)

1. INMATE Zavius Averette CUSTODY: Medium AIS NO.: 217905

2.
3. The above named inmate is being charged by Lt. Willie Copeland with a violation of Rule Number #38 specifically Indecent Exposure/ Exhibitionism from regulation #403, which occurred on or about August 15, 2004 (time) 11:00AM Location: Old Packages Room in Common Area. A hearing on this charge will be held after 24 hours from service.

4. Circumstances of the violation(s) are as follows: On August 15, 2004, at approximately 11:00AM, Lt. Willie Copeland observed Inmate Zavius Averette B/217905 standing in the Old Package Room in the Common Area with his penis exposed stroking Inmate Averette penis in a back and forth motion while looking in the direction of the Pill Call Room at Nurse Sharon Richie dispensing medication.

5. Lt. Willie Copeland, COSI
Arresting Officer / Typed / Rank

Willie Copeland, COSI
Arresting Officer / Signature / Rank

6. I hereby certify that I have personally served a copy of the foregoing upon the above named inmate and I informed inmate of his right to present a written or oral statement at the hearing and to present written questions for the witnesses on this the 15th day of August, 2004, at (time) 12:30 pm (am/pm).

7. Reginald Knight
Serving Officer / Signature / Rank

Zavius Averette 217905
Inmate's Signature / AIS Number

8. Witnesses desired? NO
Inmate's Signature

9. If yes, list: Reginald Knight
Inmate's Signature

10. Hearing Date _____ Time _____ Place _____
11. Inmate must be present in Hearing Room. If he is not present explain in detail on additional page and attach.
12. A finding is made that inmate (is / is not) capable of representing himself.

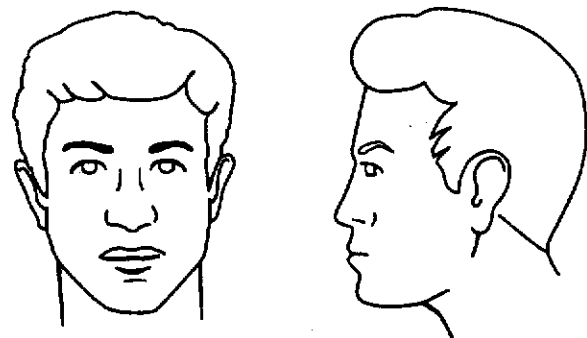
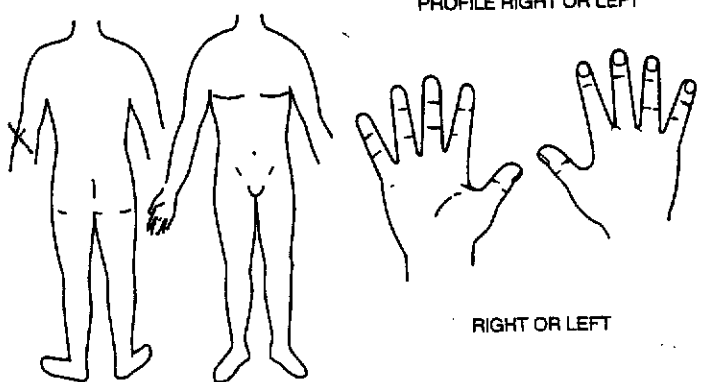
13. Plea: _____ Signature / Hearing Officer _____
Not Guilty _____ Guilty _____

14. The Arresting Officer, Inmate, and all witnesses were sworn to tell the truth.

15. Arresting Officer's testimony (at the hearing):

Signature / Hearing Officer

EMERGENCY

ADMISSION DATE 08 11/5/04	TIME 11:12 AM	ORIGINATING FACILITY SIR <input type="checkbox"/> PDL <input type="checkbox"/> ESCAPEE <input type="checkbox"/>	<input type="checkbox"/> SICK CALL <input type="checkbox"/> EMERGENCY <input type="checkbox"/> OUTPATIENT	
ALLERGIES NKA		CONDITION ON ADMISSION <input checked="" type="checkbox"/> GOOD <input type="checkbox"/> FAIR <input type="checkbox"/> POOR <input type="checkbox"/> SHOCK <input type="checkbox"/> HEMORRHAGE <input type="checkbox"/> COMA		
VITAL SIGNS: TEMP 98.2		RESP. 20	PULSE 92	B/P 130/92
NATURE OF INJURY OR ILLNESS S. "I hurt my Arm."		RECHECK IF SYSTOLIC <100> 50 <input type="checkbox"/> LACERATION / SUTURES		
PHYSICAL EXAMINATION Superficial laceration to elbow. A dther bruise or abrasions noted. 02 Sat 97		ABRASION /// CONTUSION # BURN xx xx FRACTURE Z Z  PROFILE RIGHT OR LEFT  RIGHT OR LEFT		
DIAGNOSIS A. Laceration, skin integrity P. HCP reviewed		ORDERS / MEDICATIONS / IV FLUIDS Clean up to NS Apply TAD to area Bandage applied.		
INSTRUCTIONS TO PATIENT Don't forget sick call for any problems		RELEASE / TRANSFERRED TO <input checked="" type="checkbox"/> DOC <input type="checkbox"/> AMBULANCE <input type="checkbox"/>		
DISCHARGE DATE 08 11/5/04	TIME 11:12 AM	CONDITION ON DISCHARGE <input type="checkbox"/> SATISFACTORY <input type="checkbox"/> POOR <input type="checkbox"/> CRITICAL		PHYSICIAN'S SIGNATURE DATE 08/15/04
NURSE'S SIGNATURE Nolan		CONSULTATION		
INMATE NAME (LAST, FIRST, MIDDLE)		DOC#	DOB	R/S



BOB RILEY
GOVERNOR

Paul D. Yarbrough
DIRECTOR

State of Alabama
Alabama Department of Corrections

Investigation and Intelligence Division
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DONAL CAMPBELL
COMMISSIONER

Art Crumpton
INTERIM ASST. DIRECTOR

September 13, 2004

MEMORANDUM

TO: Terrance McDonnell, Warden, KCF
FROM: Ed Sasser, Investigator *ES*
SUBJECT: Inmate Frank R. Walker, Jr. BM 128333a

This is to confirm my previous request that the above named subject be transferred to Kilby Correctional Facility for the purpose of investigative hold. This writer requests that the subject remain in investigative hold until further notice.

Request the above subject be:

 X Confined in a single cell.

 Confined in an area consistent with his/her present classification.

cc: Warden
Central Records
I & I Director
Social Services
File

ES/kr

STATEMENT OF INMATE FRANK WALKER

This is a tape recorded interview with inmate Frank Walker AIS 128333. This interview is being conducted at Kilby CF on 09-20-04 at 10:10 a.m. Present during this interview is inmate Frank Walker and Investigator Ed Sasser.

ES Frank, state your name.

FW Frank Walker AIS number 128333.

ES Okay, Frank, you and I been talking for about 20 minutes now about an incident that took place at Staton CF regarding Lt. Cleveland and another inmate, Zavius Avery. And you said you didn't see what happened?

FW No sir.

ES Okay, but then you said if you did see what was happening you'd feel like the officer was justified in doing what the officer did?

FW Yes sir.

ES Okay, is there anything else that you want to talk to me about about that?

FW It's not, it's not so much that I didn't see it, Mr. Sasser, I saw very well what happened. But what I'm is, this here, the officer was justified in what he did. The officer was not justified then yes I would be giving a statement against that officer, because he would have been wrong. That's my statement sir, the officer was justified. It's just that simple.

ES Are you saying the officer was justified in hitting Finley?

FW Yes sir.

ES And did you see the officer hit the inmate?

FW No sir.

ES Is there anything else you want to add to this statement?

FW No sir.

ES That will complete the statement at 10:12 a.m.

/sgl

ES Here's the thing about it, one of the inmates that I talked to said you was a witness and you would be willing to talk to me.

FW Well, he told you a lie, Mr. Sasser.

ES Yeah, and then you, you got in there showing yourself, and uh, wouldn't even sit down and talk like you talking now, you was just hollering and carrying on. I can't talk to somebody like that.

FW Okay, well I apologize for that activity over there. But I don't really know, I don't even know why he gave you my name, cause I don't even, I don't even get involved in nothing like that.

ES Well, all this stuff, Frank, took place right there, where you was at.

FW I understand, I understand.

ES It's pretty obvious. Now I don't know whether this officer did what he's accused of or not. But if he did, what make you think that he won't do you the same way?

FW First of all, I'm not getting ready to put myself in that position, Mr. Sasser.

ES Well, what position would be

FW See, that's what we're talking about there.

ES Here's the thing about it, regardless, regardless of what you do, unless you attacked an officer or you are attacking another inmate, then you don't deserve to be hit with a stick, have your shoulder, or have your elbow busted with a stick.

FW I understand that. I understand that.

ES You agree?

FW Yeah, I agree

ES Now there are other ways of punishing people, other than beating them down with a stick.

FW Believe me, I understand plenty of that.

ES Yeah, you could be, you could be in the same position and somebody said, no, I'm not gonna say anything. I'm not trying to get anybody in trouble, I just want to find out if the officer hit him with a stick. Then that's up to somebody else.

FW Okay, well, I did not see the officer hit him with a stick.

ES What happened to the clothes?

FW What clothes?

ES The clothes that the man had on?

FW (Laughs) Good question. That's funny, I don't.

ES Frank, you was standing right out there now.

FW No sir.

ES You may not tell me nothing, and that's fine, as long as you sitting talking man to man with me, we can talk. We can't talk when you screaming an hollering and throwing your (inaudible) everywhere.

FW I don't know nothing about no clothes or none of that.

ES Are you telling me that you did not see Lt. Cleveland swinging that stick?

FW No sir I did not.

ES Did you see him have to restrain him?

FW The inmate?

ES Yeah.

FW Yeah.

ES Tell me about it, hold on just a second, what happened?

FW I turned around and the he was restraining the inmate, taking him in the office. Period. Whole thing. that's all I saw.

ES But was that, that was before they took him in the office?

FW That he restrained him?

ES Yeah.

FW Yeah.

ES All right, it wasn't inside the office?

FW No. Not when he was restrained.

ES That was when the Lieutenant was bringing him from the

FW Common area.

ES Yeah, common area, into the office.

FW Right.

ES Well, what was the inmate doing to have to be restrained?

FW I don't know, I was working in the Law Library, I wasn't out there. I'm the Law Library Clerk, the only reason I seen what I did because the door was opened. And when I heard the hollering, that's when I looked and the Lieutenant was restraining him to the office. What he did up there I don't know.

ES Now, you're telling me, that as there was all this commotion going on and you wasn't interested enough to look in there and see what was going on.

FW You see it all the time, there's nothing

ES Tell me what you see all the time. Officer's hitting inmates?

FW No, you just see officers hooping and hollering at inmates all the time, because they be up in there masturbating, you see it all the time. You hear it all the time, hooping and hollering, "get away from here", you see it all the time. It ain't nothing, it ain't nothing unusual. After being locked up 25 years, Mr. Sasser, this stuff becomes old.

ES All right. What you locked up for Frank?

FW Third degree burglary and escape, yes sir. Escape and third degree burglary, yes sir.

ES You must have made somebody mad, Frank.

FW Yeah, I did. The sheriff.

ES Where you from?

FW Perry County.

ES You sure made somebody mad. What'd they give you for escape?

FW Life sentence.

ES Had you been in prison before you got your Third Degree Burglary?

FW Yeah.

ES Okay, so. Are you a Habitual Offender, is that what that is?

FW Yeah.

ES Uh, but you gonna have a parole date?

FW Yeah, I'm supposed to have one now. It got delayed all of a sudden, for some reason. And I don't have a violent crime. It's been delayed.

ES Yeah. All right, uh, when you saw the officer restraining the guy in the common area, did he have any blood on him that you saw?

FW No sir.

ES Okay.

FW No, I didn't see no blood, the whole time, period. I didn't even know it was alleged that blood was there, I didn't see no blood. All I know is he took the man to the hospital and when he brought him back he had a patch on his arm.

ES I thought that you was gonna be able to give me some good information when that inmate said that you saw it. Because you above intelligence, you working in the Law Library, you know what's going on. And I thought that you would be willing to

FW It's like this here, Mr. Sasser, you know what I'm saying, I'm not getting ready, you know what I'm saying, what happened, happened, you know what I'm saying.

ES Yeah, but it don't, what I want to do, Frank, is keep it from happening any more.

FW Yeah, I understand that, but the right and wrong of it is this here, if you ain't got no dealings up there, then the chances of something like that happening are very slim and none, because ain't nobody got no business even saying anything to you. That's one of the friendliest prisons I've seen since I've been in prison, you know what I'm saying.

ES But he didn't get in trouble up there, he was carried up there.

FW No sir, he came up here willingly. That inmate was in an unauthorized area (inaudible), in an unauthorized (inaudible)

ES That's right.

FW Time and time again everybody and their brother, they runned him out from up there doing it, but he constantly keep coming back. Now people get, you know what I'm saying, I understand right is right and wrong is wrong. And I'm an inmate and then you got an officer sitting over there. Okay. And I ain't getting jealous of that man because he got on a uniform and got to work to take care of his family, because he decided to do something, you know what I'm saying, that I didn't take the opportunity to do. And now I'm not getting ready to say what he did was wrong. Because if you disrespect me in that manner, I'm gonna act to adjust that some way, I'm not gonna say how I'm gonna act, but I'm gonna act.

ES Let me ask you this, in other words you feel that if something had have happened, if the officer did hit him, the officer was justified in doing it?

FW He was justified in doing it, yeah. I truly and honestly believe that, and that's why I didn't have anything to say, because I truly felt like that officer was justified.

ES Yeah, yeah, you just told me you saw it, but you don't want to tell me. Is that the fact?

FW Yes sir. He was justified, it's just that simple. He was justified, and I'm not gonna aide or assist with him getting in no trouble, because he was justified in what he was doing, not only as an officer, but as a man also, he was justified.

ES All right, I don't guess you want to give me a tape recorded statement on that do you?

FW You just got it, a tape recorded statement.

ES Yeah, but it, I didn't